IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF SEPTEMBR
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 7649 of 2007

Between:

E. Gangaiah & Others
..... PETITIONERS

AND

Government of A.P., rep by
Its Principal Secretary, Land Acquisition Dept,
Secretariat at Hyderabad And three others.
.....RESPONDENTS

and

WRIT PETITION No. 17959 of 2007

Between:

M. Muni Ramaiah @ Ramdas & Others
..... PETITIONERS

AND

Government of A.P., rep by
Its Principal Secretary, Land Acquisition Dept,

Secretariat at Hyderabad And three others.

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION Nos. 7649 & 17959 of 2007

COMMON ORDER:

These two writ petitions are filed by the petitioners seeking writ of mandamus to quash impugned Draft Declarations issued under Sec.6 of the Land Acquisition Act (hereinafter referred to, 'the Act'), which were published in the news papers confirming the acquisition of the lands of the petitioners for laying approach road from the lands of the petitioners at Surappa Kasim village without following the provisions of the Act, as arbitrary, illegal and violative of the principles of natural justice and contrary to the provisions of the Act.

2. It is stated that the petitioners are small agriculturists owning small extents of lands. Since their lands are being sought to be acquired without being properly conducting any enquiry, the petitioners were constrained to approach this Court earlier, vide W.P.No.25306 of 2006, when Sec.4(1) notification was issued. The said writ petition was dismissed by this Court reserving the right of the petitioners to be heard under Sec.5-A enquiry, and until the completion of Sec.5-A enquiry, the Respondents were directed not to dispossess the petitioners from their lands. Now in the second round two writ petitions are filed by the same petitioners stating that there was

no proper enquiry under Sedc.5-A of the Act and even the copies of the proceedings were not communicated to the petitioners, and further the petitioners were left with small extents of land after excluding the land under acquisition for the purpose of laying the proposed road. Therefore, the petitioners sought for setting aside the declaration that was published after conducting Sec.5-A enquiry properly.

3. Counters are filed by the Land Acquisition Officer as well as on behalf of the 3rd Respondent-TUDA. In the counter filed by the Land Acquisition Officer it is stated that under Sec.5-A enquiry was conducted by issuing notice on 31.7.2006 fixing the date of enquiry on 11.8.2006 and 12.8.2006 with reference to the notification issued under Sec.4(1) of the Act. It is stated that notices were sent through registered post fixing up the dates of enquiry. Some of the ryots filed their objections and those who are present on the date fixed for hearing, were even heard, and orders were passed. The land is proposed to be acquired for the formation of 150 feet road for public purpose to cater the needs of inhabitants of township coming up at Surrappakasim, as the existing roads are not viable to carry out the massive transportation and in view of the expanding future needs. After completion of enquiry under Sec.5-A, as the objections raised were rejected, Sec.6 Declaration was approved and was even published. It is further stated that notice under Sec.9(3) and 10 were served for attending the award enquiry. At this stage, again the petitioners have approached this Court. It is stated that the acquisition is for the purpose of laying a public road of 150 feet, the alignment of which cannot be altered for the

objection by some of the owners of the property on the premise that they are owning small extent of lands.

4. The learned Standing Counsel for the 3rd Respondent-TUDA also reiterated the above version of the other respondents.

5. Heard the learned counsel for the Petitioner and considered the material on record.

6. A perusal of the record placed before this Court shows the service of the proceedings and in some of the cases registered letters sent were even returned un-served with en endorsement 'refused'. In view of the above, there are no tenable objections for the grant of relief of quashing or setting aside the declaration published under Sec.6 of the Act. The petitioners are at liberty to participate in the award enquiry to prove their case and that if any part of the land is left without any useful purpose as a result of the acquisition of the part of the land, the same can be brought to the notice of the Land Acquisition Officer during the award proceedings to take the same into account for awarding suitable compensation.

7. Under the above circumstances, the writ petitions are devoid of merit, and they are accordingly dismissed. No costs.

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S.ANANDA REDDY.J

Dated: 18..09..2007
Kvh

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION Nos. 7649 & 17959 of 2007

COMMON ORDER

Dt. 18..09..2007